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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,188	01/28/2000	Hidehiro Ishii	P7156-9071	1906

7590

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EXAMINER

PATEL, GAUTAM

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 04/10/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

cd

Office Action Summary

Application No.

09/493,188

Applicant(s)

Ishii et al.

Examiner

Gautam R. Patel

Art Unit

2653

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jan 28, 2000

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-6 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-6 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

1. Claims 1-6 are pending for the examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

Specification

3. The disclosure is objected for following reasons.

The title of the invention is neither precise nor descriptive. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. The title should reflect the gist of or the improvement of the present invention.

Correction is required.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

5. Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yagi et al., US. patent 6,253,021 (hereafter Yagi) in view of Mishina, US. patent 5,745,643 (hereafter Mishina).

As to claim 1, Yagi discloses the invention as claimed [see Figs. 1-35], including a first and a second recording area and control information for controlling recording of multiplexed audio information comprising:

a first recording area on which multiplexed audio information are recorded as sets of one or more information units [col. 6, line 61 to col. 7, line 32; col. 12 lines 18-28 and fig. 12];

a second recording area on which control information for controlling recording of the multiplexed audio information are recorded, wherein the control information include first information representing the number of sets of information [number of cells] composing the multiplexed audio Information [col. 15, line 45 to col. 16, line 4];

Yagi discloses all of the above elements including the control area [management area] and number of sets of audio information. Yagi does not specifically disclose that one of control information is instruction to record the multiplexed audio information as a stream. However Mishina clearly discloses:

information instructing to record the multiplexed audio information as a stream [col. 11, lines 4-17]. Both Yagi and Mishina are interested in managing the control information on a recording medium in most efficient way. Both Yagi and Mishina are providing the management information on the data itself. It would have been obvious to one of ordinary skill in the art at the time of invention to have provided the recording of multiplexed audio sets as a stream in the system of Yagi, because it would have

provided the mechanism to convert the audio data [or video data] attributes on a one-to-one basis [col. 2, lines 3-20; Mishina].

NOTE: Mishina discloses this conversion on the video data. However one of ordinary skill in the art would have realized this is also applicable to audio data as video data contains the audio data within its stream, and conversion is equally applicable to both stream.

6. As to claim 2, Yagi discloses:

the first information further represents the number of multi-channel audio information [col. 6, line 61 to col. 7, line 32; col. 12 lines 18-28 and fig. 12]; and

As to the rest of claim Mishina discloses:

the second information instructs to record the multiplexed audio information and the multi-channel audio information as a stream [col. 11, lines 4-17].

7. As to claim 3, Yagi discloses:

recording means for recording first information representing the number of sets of information composing the multiplexed audio information [col. 6, line 61 to col. 7, line 32; col. 12 lines 18-28 and fig. 12 also; col. 15, line 45 to col. 16, line 4];

Yagi discloses all of the above elements including the control area [management area] and number of sets of audio information. Yagi does not specifically disclose that one of control information is instruction to record the multiplexed audio information as a stream. However Mishina clearly discloses:

information instructing to record the multiplexed audio information as a stream [col. 11, lines 4-17]. Both Yagi and Mishina are interested in managing the control information on a recording medium in most efficient way. Both Yagi and Mishina are providing the management information on the data itself. It would have been obvious to one of ordinary skill in the art at the time of invention to have provided the recording of multiplexed audio sets as a stream in the system of Yagi, because it would have

provided the mechanism to convert the audio data [or video data] attributes on a one-to-one basis [col. 2, lines 3-20; Mishina].

NOTE: Mishina discloses this conversion on the video data. However one of ordinary skill in the art would have realized this is also applicable to audio data as video data contains the audio data within its stream, and conversion is equally applicable to both stream.

8. As to claim 4, it is rejected for the same reasons set forth in the rejection of claim 2, supra.
9. As to claims 5-6, they are ejected for the same reasons set forth in the rejection of claims 1-2 respectively, supra.

Other prior art cited

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Takahashi et al. (US. patent 4,488,182) "System for recording and reproducing time-division multiplexed digital audio and video signals".
 - b. Yamagata et al. (US. patent 5,956,460) "Reproducing apparatus".
 - c. Shin (US. patent 5,668,339) "Apparatus for multiplexing an audio signal in a video-song playback system".
 - d. Mons (US. patent 6,353,580) "Method and device for storing audio-centered information by a table-of-contents mechanism and a file-based access mechanism".
 - e. Heo (US. patent 6,167,192) "DVD disc, device and method for reproducing the same".

Contact information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. William Korzuch, can be reached on (703) 305-6137.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.



Gautam R. Patel
Patent Examiner
Group Art Unit 2653

March 31, 2002



WILLIAM KORZUCH
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